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12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14 SAN FRANCISCO DIVISION
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17 UNITED STATES OF AMERICA,) No. 17-MJ-70131 (LB)
18)
19 Plaintiff,) **STIPULATION AND ~~PROPOSED~~**
20 v.) **ORDER CONTINUING**
21 JEFFREY WERTKIN,) **PRELIMINARY HEARING**
22)
23 Defendant.)
24 _____

Jeffrey Wertkin and the United States Attorney's Office for the Northern District of California, by and through their respective undersigned counsel, hereby stipulate and agree as follows:

The date for preliminary hearing or arraignment in this matter is presently set for June 15, 2017.

The government and counsel for the defense are presently engaged in productive discussions concerning the disposition of this matter, but the discussions are ongoing. Counsel for the defense believes that additional time is needed to review the evidence that the government has produced in discovery, evaluate the case and conduct discussions with the government.

Taking into account the public interest in the prompt disposition of criminal cases, there is good cause to extent the time limits for a preliminary hearing under Federal Rule of Criminal Procedure 5.1 from June 15, 2017 to July 13, 2017.

A failure to grant the continuance would deny defense counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence, and under the circumstances the ends of justice served by a reasonable continuance outweigh the best interest of the public and the defendant in a speedy trial.

The defendant consents to the setting of the preliminary hearing on July 13, 2017, as well as an exclusion of time under the Speedy Trial Act from June 15, 2017, to July 13, 2017.

The parties therefore stipulate and agree that the date for preliminary hearing or arraignment should be continued from June 15, 2017 to July 13, 2017 at 9:30 a.m. under the Federal Rule of Criminal Procedure 5.1(d) and 18 U.S.C. § 3060 and that time be excluded under the Speedy Trial Act between June 15, 2017, and July 13, 2017, under 18 U.S.C. § 3161(h)(7)(B)(iv).

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1 SO STIPULATED:

2 Dated: June 13, 2017

BRIAN J. STRETCH
United States Attorney

4 By: _____/s/
William Frentzen
Assistant United States Attorney

7 Dated: June 13, 2017

8 By: _____/s/
Raphael M. Goldman
ARGUEDAS, CASSMAN & HEADLEY, LLP
9 Counsel for Jeffrey Wertkin

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14 **~~PROPOSED~~ ORDER**

15 Pursuant to the parties' stipulation, the Court HEREBY ORDERS that the
16 preliminary hearing in this matter is re-set from June 15, 2017 to July 13, 2017 at 9:30
17 a.m. The Court finds that good cause is shown for extending the time limits set forth in
18 Federal Rule of Criminal Procedure 5.1(c), and, further, concludes that the extension is
19 proper under Rule 5.1(d) and Title 18, United States Codes, Sections 3060 and 3161.

20 The Court finds the failure to grant the requested extension would deny counsel
21 the reasonable time necessary for effective preparation, taking into account the
22 exercise of due diligence. The Court finds that the ends of justice served by granting
23 the requested extension outweigh the best interests of the public and the defendant in
24 a speedy trial and in the prompt disposition of criminal cases. The Court also
25 concludes that an exclusion of time from June 15, 2017, through and including July 13,
26 2017, should be made under Title 18, United States Code, Sections 3161(h)(7)(A) and
27 3161(h)(7)(B)(iv). The Court also finds that the ends of justice served by excluding the

28 **STIPULATION AND ~~PROPOSED~~ ORDER CONTINUING PRELIMINARY HEARING**
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1 period from June 15, 2017, to July 13, 2017, outweigh the best interest of the public
2 and the defendant in a speedy trial. *Id.* § 3161(h)(7)(A).

3 IT IS SO ORDERED.

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5 Dated: June 13, 2017

6 By: 
7 The Honorable Laurel Beeler
8 United States Magistrate Court Judge
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